

House File 472 - Introduced

HOUSE FILE 472

BY ANDERSON and WOLFE

A BILL FOR

1 An Act relating to the disposition of collected criminal case
2 fines and establishing a victim restitution fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8106, subsection 4, paragraph b,
2 Code 2021, is amended to read as follows:

3 b. The fine amount for a violation that occurred within the
4 boundaries of the county shall be distributed as follows:

5 (1) ~~Ninety-one~~ Eighty-five percent to the state court
6 administrator.

7 (2) ~~Nine~~ Eight percent to the county treasurer for deposit
8 in the county general fund where the violation occurred.

9 (3) Seven percent to the victim restitution fund
10 established in section 915.96.

11 Sec. 2. NEW SECTION. 915.96 Victim restitution fund.

12 A victim restitution fund is established as a separate fund
13 in the state treasury. Moneys deposited in the fund shall
14 be administered by the department and dedicated to and used
15 for the purposes of section 910.1, subsection 6. Funds shall
16 consist of moneys deposited into the fund pursuant to section
17 602.8106, subsection 4, paragraph "b", subparagraph (3), and
18 appropriations made to the fund. Notwithstanding section 8.33,
19 any balance in the fund on June 30 of any fiscal year shall not
20 revert to the general fund of the state.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill relates to the disposition of collected criminal
25 case fines.

26 Current law provides that the clerk of the district court
27 shall distribute the fine amount for a criminal violation that
28 occurred within the boundaries of a county as follows: 91
29 percent to the state court administrator and 9 percent to the
30 county treasurer for deposit in the county general fund where
31 the violation occurred.

32 The bill provides that the fine amount for a criminal
33 violation that occurred within the boundaries of a county shall
34 be distributed as follows: 85 percent to the state court
35 administrator, 8 percent to the county treasurer for deposit

1 in the county general fund where the violation occurred, and
2 7 percent to the victim restitution fund established in Code
3 section 915.96.

4 The bill provides that a victim restitution fund is
5 established as a separate fund in the state treasury. Moneys
6 deposited in the fund will be administered by the department
7 and used for the purposes of Code section 910.1(6), which
8 concerns restitution for "pecuniary damages". "Pecuniary
9 damages" means all damages to the extent not paid by an insurer
10 on an insurance claim by a victim, which a victim could recover
11 against the offender in a civil action arising out of the
12 same facts or event, except punitive damages and damages for
13 pain, suffering, mental anguish, and loss of consortium, and
14 includes damages for wrongful death and expenses incurred for
15 psychiatric or psychological services or counseling or other
16 counseling for the victim which became necessary as a direct
17 result of the criminal activity.

18 The bill provides that notwithstanding Code section 8.33,
19 any balance in the fund on June 30 of any fiscal year does not
20 revert to the general fund of the state.